

E-filed: August 28, 2019

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Attorneys for Solarmore Management Services, Inc.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

DOUBLE JUMP, INC.,

Affects:

- ☐ All Debtors
☐ Double Jump, Inc. (19-50102-gs)
☒ DC Solar Solutions, Inc. (19-50130-gs)
☒ DC Solar Distribution, Inc. (19-50131-gs)
☐ DC Solar Freedom, Inc. (19-50135-gs)

Debtors.

Case No. 19-50102-gs – LEAD CASE

Chapter 7

Jointly administered

**JOINT *EX PARTE* MOTION FOR
 ORDER REQUIRING ARI LAUER TO
 APPEAR FOR EXAMINATION
 PURSUANT TO FED. R. BANKR. P. 2004**

Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004, Solarmore Management Services, Inc.¹ (“Solarmore”) and Christina W. Lovato, Chapter 7 Trustee (the “Trustee”), by and through their respective undersigned counsel, respectfully applies to this Court

¹ Solarmore is the managing member of Solar Eclipse Investment Fund V, LLC; Solar Eclipse Investment Fund VI, LLC; Solar Eclipse Investment Fund VII, LLC; Solar Eclipse Investment Fund VIII, LLC; Solar Eclipse Investment Fund X, LLC; Solar Eclipse Investment Fund XI, LLC; Solar Eclipse Investment Fund XII, LLC; Solar Eclipse Investment Fund XIV, LLC; Solar Eclipse Investment Fund XV, LLC; Solar Eclipse Investment Fund XVI, LLC; Solar Eclipse Investment Fund XVII, LLC; Solar Eclipse Investment Fund XVIII, LLC; Solar Eclipse Investment Fund XIX, LLC; Solar Eclipse Investment Fund XXI, LLC; Solar Eclipse Investment Fund XXII, LLC; Solar Eclipse Investment Fund XXIII, LLC; Solar Eclipse Investment Fund XXIV, LLC; Solar Eclipse Investment Fund XXVI, LLC; Solar Eclipse Investment Fund XXVIII, LLC; and Solar Eclipse Investment Fund XXXI, LLC (collectively, the “Funds”).

1 for an *ex parte* order requiring Ari Lauer to appear as set forth in a subpoena to be issued
 2 pursuant to Federal Rule of Bankruptcy Procedure 9016, at a time, place and date to be mutually
 3 agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14)
 4 calendar days written notice by Solarmore and/or the Trustee for examination, regarding the
 5 Debtor's assets, liabilities, and financial condition.

6 This Motion is supported by the following Memorandum of Points and Authorities.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 FED. R. BANKR. P. 2004 provides, in relevant part, that upon motion of any party in
 9 interest, the court may order the examination of the debtor or any other entity regarding the acts,
 10 conduct, property, liabilities and financial conditions of the debtor, or any other matter which
 11 affects the administration of the debtor's estate or the debtor's right to a discharge. Rule 2004
 12 further provides that production of documents may be compelled at this examination.

13 Solarmore and the Trustee seeks to conduct oral examination relating to the Debtors'
 14 assets, liabilities, and financial affairs for the following reasons:

- 15 1. To ascertain the facts and circumstances surrounding the filing by the Debtors of
 16 the above-captioned bankruptcy cases (the "Petition");
- 17 2. To determine the manner in which the Debtors have conducted their business
 18 affairs;
- 19 3. To ascertain a more complete picture of the assets, liabilities and the financial
 20 condition of the Debtors; including, but not limited to information as to whether the Debtors
 21 improperly diverted assets to other individuals or entities, whether or not affiliated with the
 22 Debtors;
- 23 4. To ascertain the truth and veracity of information contained in the Debtors'
 24 schedules;
- 25 5. To ascertain and verify that the Debtors have not engaged in potential fraudulent
 26 transfers, preferences and avoidable transfers;
- 27 6. To ascertain and verify the legal and business relationship between Mr. Lauer and
 28 any of the Debtors or any principals, officers, or employees of the Debtors;

7. To ascertain and verify Mr. Lauer's role and responsibilities related to the Debtors over the last four years;

8. To discuss billings from and payments to Mr. Lauer or any of his companies over the last four years as it relates to the Debtors;

9. To ascertain and verify any insurance that may cover or relate to Mr. Lauer's work for Debtors.

The requested discovery from Ari Lauer is well within the scope of examination permitted under FED. R. BANKR. P. 2004, which includes:

[t]he acts, conduct, or property or ... the liabilities and financial condition of the debtors, or ... any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a ... reorganization case under chapter 11 of the Code, ... the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

WHEREFORE, Solarmore and the Trustee respectfully requests that this Court enter its Order authorizing the examination of **Ari Lauer** as described herein. A proposed order is attached as **Exhibit 1**.

DATED this 28th day of August 2019.

DATED this 28th day of August 2019.

SNELL & WILMER L.L.P.

HARTMAN & HARTMAN

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Attorneys for Christina W. Lovato, Chapter 7 Trustee

Attorneys for Solarmore Management Services, Inc.

EXHIBIT 1

EXHIBIT 1

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**ORDER GRANTING JOINT *EX PARTE*
MOTION FOR ORDER REQUIRING
ARI LAUER TO APPEAR FOR
EXAMINATION PURSUANT TO FED. R.
BANKR. P. 2004**

**Date of Examination: TBD
Time of Examination: TBD**

This Court having reviewed the Joint *Ex Parte* Motion for Order Requiring Ari Lauer to
Appear for Examination Pursuant to Federal Rule of Bankruptcy Procedure 2004 (“Motion”)

submitted jointly by Solarmore Management Services, Inc.¹ (“Solarmore”) and Christina W. Lovato, Chapter 7 Trustee (the “Trustee”), and for good cause appearing;

IT IS HEREBY ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that Ari Lauer shall appear for an examination under oath regarding the Debtor’s assets, liabilities, and financial condition, before a certified court reporter at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by Solarmore and/or the Trustee for examination.

IT IS FURTHER ORDERED that oral examination shall continue from day to day, as necessary.

IT IS SO ORDERED.

Respectfully Submitted By:

SNELL & WILMER L.L.P.

HARTMAN & HARTMAN

/s/ Nathan G. Kanute

/s/ Jeffrey L. Hartman (used with permission)

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